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(concluded)

the cylindrical rings having a delivery diameter and an implanted diameter so that as the cylindrical rings are expanded from the delivery diameter to the implanted diameter at lest some of the substantially U-shaped members project radially outwardly.

REMARKSInterview of August 25, 1997

Applicants and their counsel gratefully acknowledge the personal interview granted by the Examiner on August 25, 1997. Claim 25 was discussed as well as prior art patents to Tower, MacGregor and Schatz. The undersigned counsel indicated that he would be filing a Supplemental Information Disclosure Statement submitting U.S. Patent Nos. 3,657,744 (Ersek) and 5,292,331 (Boneau). The Interview Summary prepared by the Examiner is accurate and requires no further explanation.

Terminal Disclaimer

Claims 25-37 are pending in the application. Claim 1 has been canceled. The pending claims have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-23 of U.S. Patent No. 4,515,154. A Terminal Disclaimer is being filed concurrently herewith to disclaim that portion of the patent issuing from this application

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that would extend beyond the expiration of U.S. Patent No. 5,514,154.

The Claim Rejections

Claims 25-28 and 31-37 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Schatz (U.S. Patent No. 5,195,984) in view of Tower (U.S. Patent No. 5,161,547). There is no suggestion or teaching disclosed in Schatz or Tower that would lead a person having ordinary skill in the art to combine the two references. Schatz discloses a slotted tube (col. 5, line 64 to col. 6, line 40) that is connected to other slotted tubes. Schatz does not disclose any U-shaped members, rather it has rectangular slots 82 or half-slots 82 bounded by members 78,79 (col. 5, lines 34-36). The slotted tubes of Schatz are formed from thin-walled stainless steel tubing. In contrast, Tower discloses a round wire, wrapped on a mandrel, having U-shaped members formed in a helical configuration, and having no interconnecting elements. There is no motivation to form the Schatz slots into U-shaped members formed of wires as taught by Tower. To substitute the slots of Schatz with U-shaped members would completely (and impermissibly) change the configuration for no other reason than to meet the Applicants' claim terms. Thus, it is believed that the claims, as filed, are patentably distinguishable over the art and the obviousness rejection should be withdrawn.

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Claim Amendments


Independent claims 25 and 37 have been amended to recite that the cylindrical rings have a delivery diameter and an implanted diameter so that as the cylindrical rings are expanded from the delivery diameter to the implanted diameter, at least some of the substantially U-shaped members project radially outwardly. The prior art does not teach or disclose to a person skilled in the art a plurality of U-shaped members that project radially outwardly as the stent is expanded from a delivery diameter to an implanted diameter. Indeed, it is believed by Applicants that none of the prior art references of record discloses the claimed invention.

In view of the foregoing, it is respectfully urged that claims 25-37 are patentable and reconsideration is earnestly solicited. The undersigned attorney can be reached at (310) 824-5555 to facilitate prosecution of the application.

Respectfully submitted,

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